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3                   **UNITED STATES DISTRICT COURT**  
4                   **DISTRICT OF NEVADA**

5                   **GARY SHEPARD,**

Case No. 3:19-cv-00565-RCJ-WGC

6                   Petitioner,

7                   v.

**ORDER**

8                   **STATE OF NEVADA, *et al.*,**

9                   Respondents.

10                  Petitioner Gary Shepard, a *pro se* Nevada prisoner, has not properly commenced this  
11 habeas action by either paying the standard filing fee or filing a complete application for leave to  
12 proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus pursuant  
13 to 28 U.S.C. § 2254 as part of his initiating documents (ECF No. 1), but he did not pay the \$5  
14 habeas filing fee or submit an IFP application for incarcerated litigants with the appropriate  
15 supporting documentation. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

16                  To proceed in a civil action without paying the standard filing fee, LSR 1-1 of the Local  
17 Rules of Practice and 28 U.S.C. § 1915 provide that a prisoner must submit the court’s form IFP  
18 application for incarcerated litigants. Additionally, LSR 1-2 and § 1915 specifically require three  
19 items be submitted to this court with a prisoner’s IFP application: (1) a financial certificate signed  
20 by an authorized officer of the institution in which he or she is incarcerated, (2) a copy of his or  
21 her inmate trust account statement for the six-month period prior to filing, and (3) a signed  
22 financial affidavit showing an inability to prepay fees and costs or give security for them. Shepard  
23 will have 30 days from the date of this order to either pay the \$5 filing fee or submit a complete  
24 IFP application with all required attachments.

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**IT THEREFORE IS ORDERED:**

1. The Clerk of Court is instructed to MAIL Petitioner Gary Shepard a blank form application to proceed *in forma pauperis* for incarcerated litigants with instructions.
2. **Within 30 days of the date of this order**, Shepard must file an IFP application along with all required attachments. Alternatively, Shepard will pay the \$5 filing fee within 30 days.
3. Shepard's failure to comply with this order within 30 days by (a) submitting a complete IFP application, or (b) paying the filing fee will result in the dismissal of this action without prejudice and without further advance notice.

DATED this 23<sup>rd</sup> day of December, 2019.

**ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE**